

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Chamberlain School District
Continuous Improvement Monitoring Process Report 2005**

Team Members: Mary Borgman, Valerie Johnson, Chris Sargent, Linda Shirley, Education Specialists and Betsy Valnes, Transition Specialist

Dates of On Site Visit: December 14-16, 2004

Date of Report: March 19, 2005

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left not addressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
--

General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

B – District/Agency instructional staff information

C – Suspension and expulsion information

D – Statewide assessment information

E – Enrollment information

F – Placement alternatives

G – Disabling conditions

H – Exiting information

Parent Survey, referrals, publications of child find notices

Comprehensive plan

Yearly child find

Promising Practice

The steering committee concluded a promising practice for the district was the purchase of a license for the “Data Retreat 2004” developed by Judy K. Sargent, CESA 7, and the August 2004 Data Retreat attended by administration, regular educators and special education staff. The purpose of the retreat was learn how to collect and analyze data from Dakota Step, DACS and STAARS results, as well as student demographic information. During the school year, the information will be shared with staff and parents to improve instruction, determine the district’s progress toward state performance goals and indicators and assist in meeting No Child Left Behind guidelines.

The committee also determined the district having no long-term suspensions or expulsions since the 1999-2000 school year was a promising practice. The district adheres to the annual state guidelines for reporting students who have been suspended, expelled or dropped out.

Meets Requirements

The steering committee determined the district utilizes several modes of communication for child find activities. The committee found the district’s comprehensive plan is followed for collecting, maintaining and reporting data for all child find activities.

In accordance with the Individuals with Disabilities Act (IDEA) and the district’s comprehensive plan, the steering committee concluded the district provides services to children eligible for special education that are voluntarily enrolled in a private school by their parents. The committee noted that St. Joseph’s School opts to provide special education services to the students enrolled in their K-8 program without the district’s assistance.

Upon review of current data pertaining to students within the district who have been referred and placed in a private school or facility, the steering committee reached consensus that the district insures those students receive special education and related services based on the requirements of IDEA.

Through a review of Table B, the committee determined the district employs and contracts with personnel who are fully licensed or certified to work with children who have disabilities.

Needs Improvement

The steering committee was unable to find referral documentation in 4 of 30 student files; thus, they determined the district should improve its referral documentation system.

Validation Results

Promising Practice

Through interviews, the monitoring team validated the steering committee's conclusion that the district's Data Retreat 2004 is a promising practice. The team learned from interviews and observations in regular education classrooms that the special education and regular education teachers use the data to design instruction and team teach so there is more inclusion of special education students in the regular classroom. The team agreed the data collection from multiple sources indicates the district is striving to improve instruction and provide disabled students with more inclusion opportunities.

In addition, the team learned in interviews the district uses the McRel training and program for helping at risk students. The monitoring team concluded this is also a promising practice in the district.

The monitoring team did not validate the committee's decision that no long-term suspensions or expulsions since the 1999-2000 school year is a promising practice. The district meets the requirements for long-term suspension and expulsion.

Meets Requirements

Through interviews, state data tables and file reviews, the monitoring team validated the steering committee's conclusion that the district meets the general supervision requirements for analyzing and reporting progress toward the state performance goals and indicators, long-term suspension and expulsion and employment of fully licensed/certified staff to work with children with disabilities.

Needs Improvement

Through file reviews, the monitoring team agreed with the steering committee that the district needs to improve the referral documentation system; however, due to the number of referrals not found in student files, the team determined this to be an area out of compliance as noted below.

Out of compliance

24:05:24:01 Referral

Referral includes any written request, which brings the student to the attention of the school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other referral sources include screening, classroom teacher, other district personnel, public or private agencies and private schools, including religious schools. Eight of 43 student files, the monitoring team did not find referral documentation.

Issues requiring immediate attention

ARSD 24:05:22:03. Certified child.

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05:24:01:31. IEP team override.

If the IEP team determines that a student is eligible for special education or special education and related services because the student has a disability and needs special education when the student did not meet specific eligibility requirements, the IEP team must include documentation in the record as follows:

- (1) The record must contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student;
- (2) The record must indicate what objective data were used to conclude that the student has a disability and is in need of special education. These data may include test scores, work products, self-reports, teacher comments, previous tests, observational data, and other developmental data;
- (3) Since the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision; and
- (4) The IEP team override decision must include a sign-off by the IEP team members agreeing to the override decision. If one or more IEP team members disagree with the override decision, the record must include a statement of why they disagree signed by those members.

The district director of special education shall keep a list of students on whom the IEP team override criteria were used to assist the state in evaluating the adequacy of student identification criteria.

Through review of student records, the monitoring team found the IEP team's decision to do two overrides, which were written on the students' MDT form rather than on the override document; thus, there was insufficient data to support eligibility for special education placement of the two students. The IEP team must meet and review the eligibility of these two students and insure override documentation is available in the students' records.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

State Tables C, E, F, K, L, M, N

Age at referral

Number of students screened

Personnel development education

Preschool age

School age

Personnel training

Budget information

Comprehensive plan

Surveys

Meets Requirements

The steering committee concluded the district provides a free appropriate public education (FAPE) to all eligible children with disabilities. In addition, the district's comprehensive plan ensures suspension and expulsion procedures are in accordance with FAPE requirements.

Validation Results

Meets Requirements

The review team validated through interviews and file reviews the steering committee's conclusion that the district meets the requirements for the provision of a free appropriate public education to children with disabilities.

Principle 3 – Appropriate Evaluation

A team of knowledgeable staff, which also includes parental input, conducts a comprehensive evaluation. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

State Table L and M

Teacher file reviews

Surveys

Comprehensive plan

Parental rights document

Consent and prior notice forms

Public awareness information

FERPA disclosure

Meets Requirements:

The steering committee determined the district's evaluation team is comprised of two or more of the following: special educator, speech clinician, preschool teacher, general educator and administrator. The committee concluded that areas to be evaluated are determined by a "team" of people including the referring person, special education teacher, parent, school psychologist and administrator. In addition, the committee determined students with limited English proficiency are assessed according to the requirements in the district's comprehensive plan .

In 33 of 33 files reviewed, the steering committee concluded the district's Multidisciplinary Team Determination for Eligibility (MDT) document had all the required content.

Needs Improvement

The committee found the district had MDT reports in the files of 29 of 33 students with learning disabilities; thus, they concluded improvement was needed in this area.

The steering committee also ascertained the district needs to improve the completion of evaluations within the 25 school day requirement or the extension for evaluation date. The

committee based their decision upon finding two of 57 evaluations were not completed within 25 school days after receipt of signed consent.

Out of Compliance:

The steering committee concluded the district was out of compliance, because documentation of parental consent for initial evaluation was not found in six student files. The committee also found two student files did not contain consent for re-evaluation.

In 13 of 57 files reviewed, the committee noted that the district did not acquire parent input into the evaluation process. In nine of those 57 files, the committee found the district had given tests that were not listed on the prior notice consent for evaluation. The steering committee also determined the district did not conduct functional assessments during 19 of 52 student evaluations.

Validation Results

Meets Requirements

Through interviews and file reviews, the monitoring team validated the areas identified by the steering committee pertaining to the district meeting the requirements for appropriate evaluation.

The monitoring team validated through interviews and file reviews the steering committee's conclusions that the district did not acquire parent input into the evaluation in 19 of 43 student files. The district utilizes a Parent Report Form; therefore, the team concluded the district has a process for securing the input. It is the responsibility of the parent to respond.

Needs Improvement

The team was unable to validate the steering committee's conclusion that MDT forms were not available in all learning disabled students' files. Through file reviews, the team found a MDT form was completed for each student with a specific learning disability.

In addition, the team noted during file reviews that the same tests were given consistently (e.g., Battelle, WISC-IV, K-TEA and OWLS); thus, the team concluded, this is an area in need of improvement. Districts are required to use a variety of assessment tools so a student's evaluation is comprehensive enough to identify all of the student's special education and related service needs, whether or not commonly linked to the child's identified disabling condition.

Out of Compliance

ARSD 24:05:30:17 Prior notice consent to evaluate

Informed parent consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

The team validated the steering committees out of compliance finding that prior notice/consent for an initial evaluation was not included in some student files. The team was unable to locate through file reviews and inquiry prior notices/consent for three students' initial evaluations. In addition, seven student files did not contain prior notice/consent for reevaluation or have documentation that attempts had been made to gain parent consent.

ARSD 24:05:04:02 Determination of needed evaluation data

A team of individuals, including input from the student's parents, determines what evaluation data is needed to support eligibility and the child's special education needs. In review of 43 prior notices for consent for evaluation, the monitoring team determined two language and three fine motor evaluations were not given, which were listed on the prior notices. The team also noted that eight student files contained visual/fine motor evaluation results; however, the prior notices for consent did not indicate the students would be evaluated in those areas.

ARSD 24:05:04 Evaluation procedures

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about a child, including information provided by the parents that may assist in determining whether the child is a child with a disability.

The team also validated the committee's decision that the district's comprehensive evaluations do not consistently include functional assessment information. The team reviewed 21 student files that lacked functional assessment information, notably, speech/language evaluations. In interviews with speech/language therapists, they stated they were unsure what to use for functional speech/language assessment.

24:05:25:03 Preplacement evaluation

Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted. Evaluations must be completed within 25 school days after receipt by the district of signed parent consent unless other timelines are agreed to by school administration and the parent.

During file reviews, the monitoring team determined two initial student evaluations exceeded the 25 school day timeline, and no extension for evaluation documentation was found in the student files.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

State Table L and M

Teacher file reviews

Surveys

Comprehensive plan

Parental rights document

Consent and prior notice forms

Public awareness information

FERPA disclosure

Meets Requirements

Based on 57 student file reviews, the steering committee determined parental rights information was given to parents with every prior notice/consent sent and at every IEP team meeting.

The steering committee concluded the procedures in the district's comprehensive plan meet the requirements regarding disclosure of student information. In addition, the committee found the district maintains student records for at least three years.

Needs Improvement

Upon review of seven student files, the steering committee determined addressing graduation requirements one year prior to graduation was an area needing improvement in the district.

The steering committee noted that a list of individuals who may serve as a surrogate parent is not available in the district at this time; thus, they identified this as area needing improvement in the district.

Out of Compliance

The steering committee concluded the district was out of compliance based on six IEP reviews that did not have documentation for placement in a special education program.

Validation Results

Meets Requirements

Through interviews and file reviews the monitoring team validated the areas indicated by the steering committee as meeting the requirements for procedural safeguards.

Needs Improvement

The team was unable to validate the steering committee's conclusions pertaining to graduation requirements and having a list of individuals who may serve as surrogate parents as needing improvement. The areas are addressed below as out of compliance.

Out of Compliance

ARSD 24:05:30:15 Surrogate parent

Each school district shall establish procedures for the assignment of a surrogate parent to ensure that the rights of the child are protected if no parent can be identified and the district, after reasonable effort, cannot discover the whereabouts of a parent or if the child is a ward of the state. The district shall ensure that the person selected as a surrogate has no interest that conflicts with the interest of the child the surrogate represents and has the knowledge and skills that ensure representation of the child. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents. A person assigned to be a surrogate parent may not be an employee of a public agency that is involved in the education or care of the child.

In interviews, the monitoring team learned the district has not provided training or certification of surrogate parents and does not have a list of persons who may serve as surrogate parents. In a review of two student files, the monitoring team found that a social services worker had served as surrogate parent and signed consent for both students to be evaluated and consent for each student's initial special education placement. Administrative rule prohibits an employee of a public agency involved in the care of a child to serve as the surrogate parent.

The team's conclusion pertaining to the requirement for transfer of parental rights is addressed in Principle 5.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

Comprehensive plan

Teacher file reviews

Student progress data

Personnel development information

Surveys

Budget information

Meets Requirements

The steering committee concluded the district's prior notice contains all required content. In addition, the committee reached agreement all student IEPs they reviewed contained measurable/observable annual goals linked to the present levels of performance. The committee also determined special factors were considered by the district during the development of each student IEP.

Based upon review of IEPs for students turning 14 years of age, the steering committee determined the district documented student centered transition life planning outcomes for employment and independent living. In addition, the committee noted the services began as soon as possible after the IEP meeting.

The steering committee determined the district invited representatives from outside agencies to participate, if needed, in IEP meetings for transition age students.

Out of Compliance

The steering committee concluded six IEP meetings were not attended by all of the required members. In addition, the district did not schedule four annual IEP meetings within the 365 timeline. The steering committee also found the district was out of compliance for failure to hold an IEP meeting within 30 calendar days upon receipt of seven students' evaluation results.

The committee reached consensus that the district was out of compliance for not addressing functional skills in the IEP present levels of performance for 19 students.

Validation Results

Meets Requirements

The monitoring team validated the steering committee's conclusion that the district's prior notice contains all content. Through file reviews, the team also validated special factors were considered at all the district's meetings for children with disabilities.

The team's transition specialist validated through file reviews and interviews that students turning 14 years of age had IEPs containing documentation of student centered transition life planning outcomes for employment and independent living. In addition, the review of transition age students' prior notices for an IEP meeting indicated outside agency representatives, if needed, were invited.

Out of Compliance

ARSD 24:05:27:08 Yearly review and revision of IEP

Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual education program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose at least once a year. The review shall be conducted to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, if appropriate, to address: any lack of expected progress toward the annual goals and in general curriculum; the results of any reevaluation conducted; information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

The steering committee's decision that annual IEP meetings were not held within the 365-day requirement was validated through file reviews by the monitoring team. In four student IEPs, the monitoring team found documentation that the annual reviews exceeded the 365-day timeline.

In addition, the monitoring team was perplexed by the dates on special education documents. Frequently, the team found several prior notices for the meeting in a student file, although none of the notices corresponded to the actual IEP meeting date. In addition, evaluation reports for IEP meetings were dated as being sent to the parents as long as three months after the IEP meeting.

ARSD 24:05:27:01:01 IEP team

Each school district shall ensure that the IEP team for each student with disabilities includes the following members: parents of the student; a regular education teacher; a special education teacher of the student; and, a representative of the district who is qualified to provide or supervise the provision of specially designed instruction to meet the needs of students with disabilities, is knowledgeable about the general curriculum and is knowledgeable about the availability of resources of the school district.

The monitoring team validated the committee's conclusion that the required members did not attend IEP meetings. Through file reviews, the team found a representative for the district was not in attendance at three IEP meetings, and a regular education teacher did not attend an IEP meeting. In addition, during an interview and file review, the early childhood instructor informed a team member that she acts as the designee for the school district representative at early childhood IEP meetings; however, she is not able to designate district funds.

ARSD 24:05:27:01:03 Content of Individualized Education Plan

A student's IEP must contain a statement of the student's present levels of performance. The present level of performance should be a reflection of the functional assessment information

gathered during the comprehensive evaluation. In addition, how the child's disability affects his/her progress in the general curriculum must be addressed. In 8 of 43 student files reviewed by the monitoring team, the present levels of performance did not contain parent input or how the student's disability effected his/her progress in the general curriculum. The monitoring team also determined 21 student IEPs reviewed did not contain skill specific functional assessment information in the present levels of performance .

Annual goals must be measurable and reasonable for the student to accomplish within in one-year timeframe. The monitoring team concluded 15 student files did not have measurable annual goals. The goals were consistently written with the words "improve" "increase" and "age appropriate", which are not measurable. An example of an annual goal not meeting this requirement is: "... will improve expressive language skills and oral expression to a level commensurate to ability". The annual goal or short-term objectives must address the condition, performance and criteria. Through file reviews, the team noted 14 speech/language short-term objectives, and 13 occupational therapist's short-term objectives did not state the condition.

Students with disabilities must participate in state and district-wide assessment programs. As of July 1, 2000, if an IEP team determines a student with a disability cannot participate in the regular assessments either with or without modifications, the student must be assessed using an alternate assessment. A team member noted a student's IEP stated, "The student will not participate in state or district-wide assessment because of low ability scores". The IEP team did not address the use of an alternative assessment. The state and district-wide assessment requirement was blank on another student's IEP.

ARSD 24:05:25:26 Extended school year authorized

The district shall provide special education or special education and related services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of a free appropriate public education.

Through IEP reviews, the monitoring team concluded the district indicated on three student IEPs extended school year (ESY) services were "To be determined". No documentation of a meeting being held to make the determination was found in the students' files. In an interview with a special education teacher, the teacher stated the students' IEP teams did not meet to address ESY services. In addition, the team noted two student IEPs did not address the area for ESY services. Another IEP had parental consent for ESY services, but no goals, days of service or dates had been written. In addition, three IEPs had ESY services checked as "Needed" at the top of the page; however, the area where ESY services are to be written was blank in the student IEPs.

ARSD 24:05:27:13.02 Transition services

Transition services are a set of coordinated activities for the student designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Nine transition age students files were reviewed. The team found four IEPs did not have the course of study linked to the students' outcomes. Through file reviews, the monitoring team

determined the transition age students' needs, which were addressed in the present levels of performance, were not addressed in the students' coordinated set of activities or IEP annual goals. An example of this is an IEP that had the same statement for employment, independent living and adult services, "Team feels that no goals/necessary services are needed in this area". The coordinated set of activities statements were vague; for example, "Employment, full time job; Independent Living, bills and time management; Community Participation, drivers license: Adult services, VR; and, Post Secondary, the team feels this is not desired by". When the present levels of performance state the IEP team determined the student is demonstrating transition strengths, those areas do not need to be addressed on the transition page.

In addition, the monitoring team found no person(s) was identified who would be responsible for transition services in three of nine transition age students IEPs. The person responsible on one student's transition IEP page stated, "When determined by the reg. ed. or sped teacher".

ARSD 24:05:30:16.01 Transfer of parental rights

Consistent with state law one year before the student reaches the age of majority (in SD this is age 18), the IEP must include a statement that the child has been informed of the transfer of parental rights. This applies unless the student has a guardian appointed to make educational decisions for the student.

The team noted three student IEPs did not address the transfer of parental rights one-year prior to the students reaching age 18. Another IEP addressed the transfer of rights after the student's 17th birthday. Neither file contained documentation that guardianship had been given to the parent to address the educational decisions for the student turning 18.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

File reviews

Surveys

General curriculum information

Meets Requirements

The steering committee concluded all children with disabilities receive services in the least restrictive environment with the supports they need for their successful participation.

Validation Results

Meets Requirements

The review team validated through interviews and file reviews the steering committee's conclusion that the district meets the requirements for the provision of a least restrictive environment for children with disabilities.